IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 9854 of 2005

Between:

Ramagonnalla Bhooma goud, W/o. Narsa Goud,
R/o. 4-100/2, Devunapalli Vg., Kamareddy Mandal, Nizamabad District.

..... PETITIONER

AND

1 the District Collector (Proh & Excise), Nizamabad.
2 The Proh & Excise superintendent, Nizamabad.
3 The Sub-Divisional Prohibition and Excise Officer, Kamareddy, Nizamabad District.
4 The Station Hosue Officer, Proh & Excise, kamareddy, Nizamabad District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ, order or direction more in the nature of writ of Mandamus directing the respondents herein to consider the case of the petitioner for grant of TFT Licence in respect of Devunapalli Vg. toddy shop with effect from 5.4.2005 by duly declaring the order passed by the 2nd respondent vide Lr.No.E5/937/2004, dt. 16.3.2005 raising two objections which are untenable in the eye of law and even otherwise does not prohibit the authorities from considering the case of the petitioner for grant of TFT Licence with effect from 5.4.2005 as illegal, arbitrary and violative of Art. 14 of the constitution of India and also contrary to the provisions of A.P. Prohibition and Excise Act and pass such other order or orders.

Counsel for the Petitioner: MR.V.RAVI KIRAN RAO

Counsel for the Respondent No.: GP FOR PROHIBITION & EXCISE

The Court at the stage of admission made the following :

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ORAL ORDER:

Heard both sides.

In this Writ Petition, the petitioner is seeking a writ of Mandamus, directing the respondents to consider the case of the petitioners for grant of TFT licence in respect of Devunapalli Village toddy shop with effect from 5.4.2005 by duly declaring the order passed by the second respondent vide letter No. B5/937/2004, dated 16.3.2005 raising two objections which are untenable in the eye of law and even otherwise does not prohibit the authorities from considering the case of the petitioner for grant of TFT licence with effect from 5.4.2005 as illegal and arbitrary.

The learned counsel appearing for the petitioner submits that the petitioner submitted an application dated 27.5.2004 before the first respondent and the first respondent forwarded the same to the second respondent to take appropriate steps for causing enquiry and for issuance of TFT licence in respect of Devenapalli toddy shop, but the same is still pending consideration.

In view of the above, without gong into the merits of the case, this Writ Petition is disposed of enabling the petitioner to make a fresh application, bringing the latest facts of the case to the notice of the second respondent after passing the impugned order, before the second respondent within a period of one week from today. On such filing, the second respondent is directed to pass appropriate orders in accordance with law, within a period of two weeks thereafter. No order as to costs.

ELIPE DHARMA RAO,J

DATED: 27.04.2005

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Note: Furnish copy in two days.

B/o

To

1 the District Collector (Proh & Excise), Nizamabad.
2 The Proh & Excise superintendent, Nizamabad.
3 The Sub-Divisional Prohibition and Excise Officer, Kamareddy, Nizamabad District.
4 The Station Hosue Officer, Proh & Excise, kamareddy, Nizamabad District.

5. Two CCs to G.P. for Prohibition and Excise, High Court of Andhra Pradesh, Hyderabad (OUT)

6. Two CD copies.